

No. , Original

Supreme Court of the United States

October Term, 1953

STATE OF ALABAMA, Complainant,

v.

STATE OF TEXAS; STATE OF LOUISIANA; STATE OF FLORIDA; STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS MCKAY; ROBERT B. ANDERSON; IVY BAKER PRUITT, Defendants.

**MOTION FOR LEAVE TO FILE COMPLAINT
AND
COMPLAINT**

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September 26, 1953.

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AND

COMPLAINT

The State of Alabama, by its Attorney General, asks leave of the Court to file the complaint submitted herewith against the State of Texas, the State of Louisiana, the State of Florida, the State of California, George M. Humphrey, Douglas McKay, Robert B. Anderson, and Ivy Baker Priest.

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STATE OF TEXAS; STATE OF LOUISIANA; STATE OF FLORIDA; STATE OF CALIFORNIA; GEORGE M. HUMPHREY; DOUGLAS MCKAY; ROBERT B. ANDERSON; IVY BAKER PRIEST, *Defendants*.

COMPLAINT

The State of Alabama, by its Attorney General, brings this action against the defendants, the State of Texas, the State of Louisiana, the State of Florida, the State of California, and the following named individuals: George M. Humphrey, acting under color of authority as Secretary of the Treasury; Douglas McKay, acting under color of authority as Secretary of the Interior; Robert B. Anderson, acting under color of authority as Secretary of the Navy; and Ivy Baker Priest, acting under color of authority as Treasurer of the United States, and for its cause of action states:

I

The jurisdiction of this Court is invoked under Article III, Section 2 of the Constitution of the United States, and Title 28, United States Code, Section 1251.

II

The State of Alabama, the complainant herein, is a state of the Union, admitted to the Union in 1819 pursuant to the Act of Congress of March 2, 1819, c. 47, (3 Stat. 489), which provided that the State of Alabama should be admitted into the Union upon the same footing with the original states, in all respects whatever.

III

The State of California, a defendant herein, is a state of the Union, admitted to the Union in 1850 pursuant to the Act of Congress of September 9, 1850, c. 50, (9 Stat. 452), which provided that the State of California should be admitted to the United States on an equal footing with the original states.

IV

The State of Louisiana, a defendant herein is a state of the Union, admitted to the Union in 1812 pursuant to the Act of Congress of April 8, 1812, c. 50, (2 Stat. 701), which provided that the State of Louisiana should be admitted to the United States on an equal footing with the original states.

V

The State of Texas, a defendant herein, is a state of the Union, admitted to the Union in 1845 pursuant to the Joint Resolution of Congress of March 1, 1845, No

8, (5 Stat. 797), which provided that the State of Texas should be admitted to the United States on an equal footing with the original states.

VI

The State of Florida, a defendant herein, is a state of the Union, admitted to the Union in 1845 pursuant to the Act of Congress of March 3, 1845, c. 48, (5 Stat. 742), which provided that the State of Florida should be admitted to the United States on an equal footing with the original states.

VII

When the complainant (the State of Alabama) and the defendants the States of California, Louisiana, Texas and Florida came into the Union in the manner described in paragraphs II through VI of this Complaint, each became a sister state on an equal footing with the original states and hence on an equal footing with each other in all respects whatever.

VIII

Defendant George M. Humphrey is the Secretary of the Treasury and a citizen of the State of Ohio; defendant Douglas McKay is the Secretary of the Interior of the United States and is a citizen of the State of Oregon; defendant Robert B. Anderson is the Secretary of the Navy of the United States and is a citizen of the State of Texas; defendant Ivy Baker Priest is the Treasurer of the United States and is a citizen of the State of Utah.

IX

The United States is now and has been at all pertinent times prior hereto, possessed of paramount rights

in, and full dominion and power over, and the exclusive jurisdiction and control over, the lands, minerals and other natural resources of the subsoil and seabed underlying the Pacific Ocean lying seaward of the ordinary low water mark on the coast of California and outside of the inland waters, extending seaward three nautical miles to the limit of the territorial boundaries of the United States and bounded on the North and South, respectively, by the northern and southern boundaries of the State of California. The United States acquired these rights as attributes of national sovereignty in the manner described by this Court in *United States v. California*, 332 U.S. 19; *United States v. Louisiana*, 339 U.S. 699; and *United States v. Texas*, 339 U.S. 707, and holds and has held these rights and the revenues derived therefrom as trustee for all the states and citizens of the United States, including the State of Alabama and the citizens thereof.

X

Insofar as the states of the United States and the citizens thereof are concerned, the United States is now and has been at all pertinent times prior hereto, possessed of paramount rights in, full dominion and power over and the exclusive jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed underlying the Gulf of Mexico seaward from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters, extending seaward three marine leagues (nine nautical miles) into the Gulf of Mexico. The United States acquired these rights as attributes of national sovereignty in the manner described by the Court in

United States v. California, 332 U.S. 19; *United States v. Louisiana*, 339 U.S. 699; and *United States v. Texas*, 339 U.S. 707, and holds and has held these rights and the revenues derived therefrom as trustee for all the states and the citizens of the United States, including the State of Alabama and the citizens thereof.

XI

The State of Alabama, by virtue of its rights to be treated on an equal footing with the State of Texas set forth in paragraph VII of this Complaint, is entitled to be treated on an equal footing with the State of Texas with respect to the width of the belt of territorial waters measured seaward from the ordinary low water mark along that portion of the coast which is in direct contact with the open sea and from the seaward limit of inland waters. The rule of international law which has been settled and established for the United States by virtue of determinations made by the Government of the United States is that the permissible width of this belt is three nautical miles. This rule is binding equally on the State of Alabama and on the State of Texas. The area more than three nautical miles seaward from the low water mark along the portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters along the coast of Texas (and in particular the area from three to nine nautical miles from such line) is therefore part of the high seas and outside the territorial boundaries of Texas.

XII

Citizens of Alabama are now, and have been at all pertinent times prior hereto, possessed of the privilege

(to be exercised without restriction, prohibition or regulation by other states of the Union or by foreign powers) to use, maintain, develop, enjoy, catch, trap and gather the fish, shrimp, crabs, lobsters and other marine animal and plant life within the area in the Gulf of Mexico lying seaward from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters, extending seaward three marine leagues into the Gulf of Mexico, subject only to the rights of the State of Texas to impose lawful police measures in the area within three nautical miles of such line in the absence of inconsistent Federal regulation.

XIII

Insofar as the states of the United States and the citizens thereof are concerned, the United States is now and has been at all pertinent times prior hereto, possessed of paramount rights in, full dominion and power over and the exclusive jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed underlying the Gulf of Mexico seaward from the ordinary low water mark along that portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of inland waters, extending seaward three marine leagues into the Gulf of Mexico. The United States acquired these rights as attributes of national sovereignty in the manner described by this Court in *United States v. California*, 332 U.S. 19; *United States v. Louisiana*, 339 U.S. 699; and *United States v. Texas*, 339 U.S. 707 and holds and has held these rights and revenues derived therefrom as trustee for all the states and citizens of the United States, including the State of Alabama and the citizens thereof.

XIV

The State of Alabama, by virtue of its right to be treated on an equal footing with the State of Louisiana set forth in paragraph VII of this Complaint, is entitled to be treated on an equal footing with the State of Louisiana with respect to the width of the belt of territorial waters measured seaward from the ordinary low water mark along that portion of the coast which is in direct contact with the open sea and from the seaward limit of inland waters. The rule of international law which has been settled and established for the United States by virtue of determinations made by the Government of the United States is that the permissible width of this belt is three nautical miles. This rule is binding equally on the State of Alabama and on the State of Louisiana. The area more than three nautical miles seaward from the line of low water mark along the portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of inland waters along the coast of Louisiana (and in particular the area from three to nine nautical miles from such line) is therefore part of the high seas and outside the territorial boundaries of Louisiana.

XV

Citizens of Alabama are now, and have been at all pertinent times prior hereto, possessed of the privilege (to be exercised without restriction, prohibition or regulation by other states of the Union or by foreign powers) to use, maintain, develop, enjoy, catch, trap and gather the fish, shrimp, crabs, lobsters and other marine animal and plant life within the area in the Gulf of Mexico lying seaward from the ordinary low water mark along the portion of the coast of Louisiana

which is in direct contact with the open sea and from the seaward limit of inland waters, extending seaward three marine leagues into the Gulf of Mexico subject only to the right of the State of Louisiana to impose lawful police measures in the area within three nautical miles of such line in the absence of inconsistent Federal regulation.

XVI

Insofar as the states of the United States and the citizens thereof are concerned, the United States is now and has been at all pertinent times prior hereto, possessed of paramount rights in, full dominion and power over and the exclusive right to jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed underlying the Gulf of Mexico lying seaward from the ordinary low water mark along that portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters, extending seaward three marine leagues into the Gulf of Mexico. The United States acquired these rights as attributes of national sovereignty in the manner described by this Court in *United States v. California*, 332 U.S. 19; *United States v. Louisiana*, 339 U.S. 699; *United States v. Texas*, 339 U.S. 707, and holds and has held these rights and the revenues derived therefrom as trustee for all the states and the citizens of the United States, including the State of Alabama and the citizens thereof.

XVII

The State of Alabama, by virtue of its right to be treated on an equal footing with the State of Florida set forth in paragraph VII of this Complaint, is entitled to be treated on an equal footing with the State

of Florida with respect to the width of the belt of territorial waters measured seaward from the ordinary low water mark along that portion of the coast which is in direct contact with the open sea from the seaward limit of inland waters. The rule of international law which has been settled and established for the United States by virtue of determinations made by the Government of the United States is that the permissible width of this belt is three nautical miles. This rule is binding equally on the State of Alabama and on the State of Florida. The area more than three nautical miles seaward from the line of low water mark along the portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters along the coast of Florida (and in particular the area from three to nine nautical miles from such line) is therefore part of the high seas and outside the territorial boundaries of Florida.

XVIII

Citizens of Alabama are now, and have been at all pertinent times prior hereto, possessed of the privilege (to be exercised without restriction, prohibition or regulation by other states of the Union or by foreign powers) to use, maintain, develop, enjoy, catch, trap and gather the fish, shrimp, crabs, lobsters and other marine animal and plant life within the area in the Gulf of Mexico lying seaward from the ordinary low water mark along the portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters, extending seaward three marine leagues in the Gulf of Mexico subject only to the right of the State of Florida to impose lawful police measures in the area within three nautical

miles of such line in the absence of inconsistent Federal regulation.

XIX

The value of the natural resources of the subsoil and seabed off the coast of the defendants California, Texas, Louisiana and Florida and referred to in paragraphs IX, X, XIII and XVI of this Complaint is in excess of fifty billion dollars.

XX

The value of the natural resources of the fisheries and other marine animal and plant life found off the coast of the defendants Texas, Louisiana and Florida referred to in paragraphs XII, XV and XVIII of this Complaint varies from time to time due to the migratory nature of many of these resources. The exercise of the right to gather these resources referred to in paragraphs XII, XV and XVIII of this Complaint plays an essential role in the maintenance of a fishing industry in Alabama on which thousands of Alabama citizens are wholly or partially dependent for their livelihood and the gross revenue from which averages \$15,000,000 a year.

XXI

The State of California has asserted, and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive jurisdiction and control over the lands, minerals and other natural resources of the subsoil and seabed described in paragraph IX of this Complaint contrary to the decision and judgment of this Court in *United States v. Calif-*

fornia, 332 U.S. 19. As part of these assertions the State of California has made enactments and regulations with respect to such natural resources and has negotiated and executed, and continues to negotiate and execute, numerous leases and licenses with various persons and corporations authorizing them to enter upon the area described in paragraph IX of this Complaint and take petroleum, gas, mineral deposits and other natural resources of the subsoil described in paragraph IX of this Complaint. The State of California has received and is receiving large sums of money from these leases and licenses, which sums of money have been applied and are being applied for the exclusive benefit of the State of California and the citizens thereof, thereby unlawfully attempting to deprive the complainant and its citizens of their equitable interest in the rights and revenues described in paragraph IX of this Complaint and held by the United States for the benefit of all the states and citizens of the United States, including the complainant, the State of Alabama, and the citizens thereof. The State of California will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXII

The State of Texas has asserted, and is continuing to assert, that its territorial boundaries include the high seas off the coast of Texas extending into the Gulf of Mexico to the edge of the continental shelf, an area which extends into the Gulf of Mexico more than fifty and as much as one hundred fifty nautical miles seaward from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the

open sea and from the seaward limit of inland waters. In consequence, the claims of Texas (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) described in the following paragraphs XXIII and XXIV of this Complaint relate not only to the natural resources described in those paragraphs which are found within three nautical miles seaward into the Gulf of Mexico from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters, but also the natural resources found on the high seas in the area between three to nine miles seaward into the Gulf of Mexico from such a line.

XXIII

The State of Texas has asserted, and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive jurisdiction and control over the land, minerals and other natural resources of the subsoil and seabed described in paragraph X of this Complaint, contrary to the decision and judgment of this Court in *United States v. Texas*, 339 U.S. 707; and the decision of this Court in *United States v. California*, 332 U.S. 19. As part of these assertions the State of Texas has made enactments and regulations with respect to such natural resources and has negotiated and executed, and continues to negotiate and execute, numerous leases and licenses with various persons and corporations authorizing them to enter upon the area described in paragraph X of this Complaint and take petroleum, gas, mineral deposits and other natural resources of the subsoil described in paragraph X of this Complaint. The State of Texas

has received and is receiving large sums of money from these leases and licenses, which sums of money have been applied and are being applied for the exclusive benefit of the State of Texas and the citizens thereof, thereby unlawfully attempting to deprive the complainant and its citizens of their equitable interest in the rights and revenues described in paragraph X of this Complaint and held by the United States for the benefit of all the states and citizens of the United States, including the complainant, the State of Alabama, and the citizens thereof. The State of Texas will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXIV

The State of Texas is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) asserting ownership, full dominion and power over, and the exclusive jurisdiction and control over the fish, shrimp, crabs, lobsters and other marine animal and plant life described in paragraph XII of this Complaint, and is requiring citizens of Alabama, under pain and risk of severe criminal penalties, to pay license fees and excise taxes for the privilege long enjoyed and exercised to use, maintain, develop, enjoy, catch, trap and gather such marine animal and plant life in the area in the Gulf of Mexico which is between three and nine nautical miles seaward from the ordinary low water mark along that portion of the coast of Texas which is in direct contact with the open sea and from the seaward limit of inland waters, an area which is part of the high seas. Moreover, the assertions by Texas of ownership and dominion over the marine animal and plant life described in paragraph

XII of this Complaint threaten citizens of Alabama with license fees and excise taxes which are greatly in excess of those required to be paid by citizens of Texas and with the total denial of the privilege of gathering such marine animal and plant life referred to in paragraph XII in the entire area described in paragraph XII.

XXV

The State of Louisiana has asserted, and is continuing to assert, that its territorial boundaries include the high seas off the coast of Louisiana extending seaward into the Gulf of Mexico twenty-seven nautical miles from the ordinary low water mark along that portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of inland waters. In consequence, the claims of Louisiana (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) described in the following paragraphs XXVI and XXVII of this Complaint relate not only to the natural resources described in those paragraphs which are found within three nautical miles seaward into the Gulf of Mexico from the ordinary low water mark along that portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of inland waters, but also the natural resources found on the high seas in the area between three to nine miles seaward into the Gulf of Mexico from such a line.

XXVI

The State of Louisiana has asserted, and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive jurisdiction and control over the land, minerals and other natu-

ral resources of the subsoil and seabed described in paragraph XIII of this Complaint, contrary to the decision and judgment of this Court in *United States v. Louisiana*, 339 U.S. 699, and the decision of this Court in *United States v. California*, 332 U.S. 19. As part of these assertions the State of Louisiana has made enactments and regulations with respect to such natural resources and has negotiated and executed, and continues to negotiate and execute, numerous leases and licenses with various persons and corporations authorizing them to enter upon the area described in paragraph XIII of this Complaint and take petroleum, gas, mineral deposits and other natural resources of the subsoil described in paragraph XIII of this Complaint. The State of Louisiana has received and is receiving large sums of money from these leases and licenses, which sums of money have been applied and are being applied for the exclusive benefit of the State of Louisiana and the citizens thereof, thereby unlawfully attempting to deprive the complainant and its citizens of their equitable interest in the rights and revenues described in paragraph XIII of this Complaint and held by the United States for the benefit of all the states and citizens of the United States, including the complainant, the State of Alabama, and the citizens thereof. The State of Louisiana will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXVII

The State of Louisiana is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) asserting ownership, full dominion and power over, and the exclusive jurisdiction and control over the fish,

shrimp, crabs, lobsters and other marine animal and plant life described in paragraph XV. of this Complaint, and is requiring citizens of Alabama, under pain and risk of severe criminal penalties, to pay license fees and excise taxes for the privilege long enjoyed and exercised to use, maintain, develop, enjoy, catch, trap and gather such marine animal and plant life in the area in the Gulf of Mexico which is between three and nine nautical miles removed from the ordinary low water mark along that portion of the coast of Louisiana which is in direct contact with the open sea and from the seaward limit of inland waters, an area which is part of the high sea. Moreover, the assertions by Louisiana of ownership and dominion over the marine animal and plant life described in paragraph XV. of this Complaint dispossess citizens of Alabama with license fees and excise taxes which are greatly in excess of those required to be paid by citizens of Louisiana and with the total denial of the privilege of gathering such marine animal and plant life referred to in paragraph XV. in the entire area described in paragraph XV.

XXVIII

The State of Florida has asserted, and is continuing to assert, that its territorial boundaries include the high sea off the coast of Florida extending seaward into the Gulf of Mexico nine (9) miles from the ordinary low water mark along that portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters. In consequence, the claims of Florida (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) described in the following paragraphs XXIX and XXX of this Complaint relate not only to the natural resources de-

scribed in those paragraphs which are found within three nautical miles seaward into the Gulf of Mexico from the ordinary low water mark along that portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters, but also the natural resources found on the high seas in the area between three to nine miles seaward into the Gulf of Mexico from such a line.

XXIX

The State of Florida has asserted, and is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) continuing to assert ownership of, full dominion and power over, and the exclusive right to jurisdiction and control over the land, minerals and other natural resources of subsoil and seabed described in paragraph XIV of this Complaint, contrary to the decisions of this Court in *United States v. California*, 322 U.S. 10; *United States v. Texas*, 322 U.S. 707; and *United States v. Louisiana*, 322 U.S. 600. As part of these assertions the State of Florida has made enactments and regulations with respect to such natural resources, has claimed the right to negotiate and execute, and now claims the right to negotiate and execute leases and licenses with various persons and corporations authorizing them to enter upon the area described in paragraph XVI of this Complaint and take petroleum, gas, mineral deposits and other natural resources of the subsoil described in paragraph XVI of this Complaint. The State of Florida plans and proposes to apply the sums of money received from such leases and licenses for the exclusive benefit of the State of Florida and the citizens thereof, thereby unlawfully depriving the complainant and its citizens of their equitable inter-

est in the rights and revenues described in paragraph XVI of this Complaint and held by the United States for the benefit of all the states and citizens of the United States, including the complainant, the State of Alabama, and the citizens thereof. The State of Florida will continue to engage in the course of conduct described in this paragraph unless prevented from doing so by this Court.

XXX

The State of Florida is now (under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65) asserting ownership, full dominion and power over, and the exclusive jurisdiction and control over the fish, shrimp, crabs, lobsters and other marine animal and plant life described in paragraph XVIII of this Complaint, and is requiring citizens of Alabama, under pain and risk of severe criminal penalties, to pay license fees and excise taxes for the privilege long enjoyed and exercised to use, maintain, develop, enjoy, catch, trap and gather such marine and animal plant life in the area in the Gulf of Mexico which is between three and nine nautical miles seaward from the ordinary low water mark along that portion of the coast of Florida which is in direct contact with the open sea and from the seaward limit of inland waters, an area which is part of the high seas. Moreover, the assertions by Florida of ownership and dominion over the marine animal and plant life described in paragraph XVIII of this Complaint threaten citizens of Alabama with license fees and excise taxes which are greatly in excess of those required to be paid by citizens of Florida and with the total denial of the privilege of gathering such marine animal and plant life referred to in paragraph

XVIII in the entire area described in paragraph XVIII.

XXXI

As a result of the paramount rights, full dominion and power, and exclusive jurisdiction and control of the United States over the lands, minerals and other natural resources described in paragraphs IX, X and XIII of this Complaint and as a result of the decision and orders of this Court in *United States v. California*, 332 U.S. 19; *United States v. Louisiana*, 339 U.S. 699; and *United States v. Texas*, 339 U.S. 707 and actions taken pursuant to these decisions and orders, the defendant California holds impounded for the benefit of the United States and the defendants Humphrey, McKay, Anderson and Priest hold, or have under their direction and control, monies heretofore paid as rents, royalties, or otherwise in connection with leases and licenses with various persons and corporations under which such persons and corporations have entered upon the areas described in paragraphs IX, X and XIII of this Complaint and have taken the natural resources described in paragraphs IX, X and XIII of this Complaint. The sum of money involved is in excess of \$62,000,000. The defendants California, Humphrey, McKay, Anderson and Priest hold such monies, and are required by law to exercise the direction and control which they have over such monies, as trustees for all the states and citizens of the United States, including the State of Alabama and the citizens thereof, and not for the special and exclusive benefit of the defendant States of California, Texas and Louisiana, to the exclusion of Alabama and the citizens thereof, as well as to the exclusion of the other states of the United States and the citizens thereof.

XXXII

The defendants Humphrey, McKay, Anderson and Priest, acting under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65, will, if not restrained by this Court, pay the monies referred to in paragraph XXXI of this Complaint to the defendants California, Texas and Louisiana, or exercise their direction and control over such monies for the exclusive benefit of the defendants California, Louisiana and Texas, thereby unlawfully depriving the complainant, the State of Alabama, and its citizens of their proportionate and equitable interest in these monies.

XXXIII

The defendants Humphrey, McKay, Anderson and Priest, acting under color of authority of Public Law 31, 83d Cong., 1st Sess., c. 65, will, if not restrained by this Court, acquiesce in the assertions of the defendants California, Texas, Louisiana and Florida set forth in paragraphs XXI, XXII, XXVI and XXIX of this Complaint, and will fail to assert the interest of the United States set forth in paragraphs IX, X, XIII and XVI of this Complaint, thereby depriving the State of Alabama and the citizens thereof of their proportionate equitable interest in the natural resources described in paragraphs IX, X, XIII and XVI of this Complaint and the revenues derived therefrom.

**XXXIV**

The State of Alabama sues, inter alia, in its sovereign capacity as a state admitted to the United States on an equal footing with the defendant states and the other states of the Union, asserting sovereign rights equal to and of the same extent and magnitude as those

of the defendant states, to rectify the status of inferior sovereignty of Alabama vis-a-vis the defendant states to which action taken or proposed to be taken by the defendant states under color of Public Law 31, 83d Cong., 1st Sess., has or would relegate it, and, in particular, to establish that:

A) The State of Alabama and the defendant states have identical interests in the lands and natural resources described in paragraphs IX, X, XIII and XVI by virtue of the Acts of Congress which admitted the States of Alabama, California, Louisiana, Texas and Florida to the Union on an equal footing with the original states and, consequently, with each other, as well as by virtue of the guaranty contained in Article IV, Sec. 3, Cl. 1 of the Constitution of the United States. The defendant states have no greater interest than the State of Alabama in these lands and natural resources, and no interest whatever beyond that which they enjoy as sovereign states in the Union in national property rights held in trust by the United States as trustee for all the states and citizens thereof. The sovereignty of the State of Alabama is equal to and of the same extent and magnitude as that of the defendant states, and the same property interests must accrue to Alabama and the original states as accrue to any of the defendant states. The result of the action described in paragraphs XXI through XXXIII of this Complaint would be to deprive the State of Alabama of equal status with the defendant states in vital attributes of sovereignty, and hence would be to deprive the State of Alabama of the equal sovereignty vis-a-vis the defendant states to which the Constitution and the Act of Congress admitting Alabama to the Union entitle it. This injury would be irreparable and hence a situation

exists which necessitates the exercise of the equity powers of this Court.

B) The State of Alabama is entitled, by virtue of the Acts admitting it and the defendant States of Texas, Louisiana and Florida to the Union, as well as by virtue of the guaranty contained in Article IV, Sec. 3, Cl. 1 of the Constitution of the United States, to be treated on an equal footing vis-a-vis these defendant states with respect to action by the United States determining the width of the belt of territorial waters off the shores of Alabama and these defendant states. In like manner, the defendant States Texas, Louisiana and Florida are obligated to respect Alabama's right to equal treatment in this regard, as part of their obligation to respect the terms and conditions under which these defendant states and the State of Alabama entered the Union. Determinations made by the Government of the United States have settled and established that the permissible width of this belt of territorial waters is three nautical miles. The actions and proposed actions of the defendant States Texas, Louisiana and Florida in attempting to extend their boundaries to include a territorial belt of nine nautical miles in width in the manner described in paragraphs XXII, XXV and XXVIII of this Complaint deprive the State of Alabama of equal sovereignty with these defendant states. This injury would be irreparable and hence a situation exists which necessitates the exercise of the equity powers of this Court.

XXXV

The State of Alabama sues in its capacity as quasi-sovereign and *parens patriae* for the citizens of Alabama for whom the rights with respect to the land and

natural resources described in paragraphs IX, X, XIII and XVI of this Complaint and the funds described in paragraph XXXI of this Complaint are held in trust by virtue of the United States Constitution including Article IV, Section 3, clauses 1 and 2 thereof. Citizens of Alabama would have their economic and social welfare and development curtailed or halted as a result of action taken or proposed to be taken by the defendants under color of Public Law 31, 83d Cong., 1st Sess., c. 65, which would deprive the citizens of Alabama of their constitutional rights to share in the resources and funds described in paragraphs IX, X, XIII, XVI and XXXI of this Complaint. This injury would be irreparable and hence a situation exists which necessitates the exercise of the equity powers of this Court.

XXXVI

The State of Alabama sues in its capacity as quasi-sovereign and *parens patriae* for its citizens whose economic well being will be irreparably injured by the denial or threatened denial by the defendant States Texas, Louisiana and Florida of the non-exclusive privilege long enjoyed to use, maintain, develop, enjoy, catch, trap and gather the fish, shrimp, crabs, lobsters and other marine animal and plant life referred to in paragraphs XII, XV and XVIII of this Complaint. The action and proposed action of the defendant States Texas, Louisiana and Florida described in paragraphs XXIV, XXVII and XXX of this Complaint will deprive the citizens of Alabama of their valuable rights and privileges and do irreparable injury to the fishing industry in Alabama. A situation therefore exists which necessitates the exercise of the equity powers of this Court.

XXXVII

The terms of Public Law 31, 83d Cong., 1st Sess., c. 65 do not authorize the claims of the defendant States Texas, Louisiana and Florida to a belt of territorial waters nine nautical miles in width described in paragraphs XXII, XXV and XXVIII of this Complaint. The boundaries which these defendant states now claim as described in paragraphs XXII, XXV and XXVIII of this Complaint did not exist at the times each such defendant state became a member of the Union. Furthermore, these claims of the defendant states have not been approved by the Congress of the United States at any time subsequent to their admission to the Union and prior to the passage of Public Law 31, 83d Cong., 1st Sess., c. 65. Furthermore, Public Law 31, 83d Cong., 1st Sess., c. 65, should not be construed so as to authorize the other claims, assertions and actions of any of the defendant states described in this Complaint.

XXXVIII

If construed so as to authorize the claims, assertions and actions set forth and described in this Complaint, Public Law 31, 83d Cong., 1st Sess., c. 65, is unconstitutional, null and void for the following reasons:

1. Public Law 31, 83d Cong., 1st Sess., c. 65, involves an unlawful abdication by the Government of the United States and an unlawful delegation to the defendant states of certain essential and non-delegable elements of national sovereignty which this Court in *United States v. California*, 332 U.S. 19; *United States v. Louisiana*, 339 U.S. 699; *United States v. Texas*, 339 U.S. 707, held adhere under the Constitution to the

Government of the United States and the Government of the United States alone. Public Law 31, 83d Cong., 1st Sess., c. 65, therefore does not constitute an ordinary disposition of property belonging to the United States within the meaning of Article IV, Section 3, clause 2 of the Constitution.

2. Public Law 31, 83d Cong., 1st Sess., c. 65, purports to transfer to the defendants the States of California, Texas, Louisiana and Florida rights over resources to which the United States has paramount rights and dominion as an essential attribute of national sovereignty and which the United States is required by the Constitution to hold in trust for the people of the whole nation.

3. Public Law 31, 83d Cong., 1st Sess., c. 65, attempts an unconstitutional delegation to certain states of the power of Congress under Article IV, Section 3, clause 2 of the Constitution to dispose of and make all needful rules and regulations respecting property belonging to the United States, and attempts an unconstitutional abdication of the constitutional role of the United States to exercise the power granted under Article IV, Section 3, clause 2 of the Constitution for the benefit of all the people of the United States.

4. The State of Alabama has an interest in the lands and resources covered by Public Law 31, 83d Cong., 1st Sess., c. 65, identical with that of the defendants the State of California, the State of Louisiana, the State of Texas, and the State of Florida. Public Law 31, 83d Cong., 1st Sess., c. 65, which purports to convey and alienate irrevocably these natural resources to these four states alone is, therefore, contrary to the terms on

which the States of Alabama, California, Louisiana, Texas and Florida were admitted to the Union pursuant to Article IV, Section 3, clause 1 of the Constitution and is therefore contrary to this Article and is contrary to the constitutional bond both required by and formed under authority of, this Article.

5. Public Law 31, 83d Cong., 1st Sess., c. 65, is contrary to Article IV, Section 3, clause 1 of the Constitution and action taken thereunder which guarantees that all states admitted to the Union shall be and remain equal in power, dignity and authority. If interpreted in a manner consistent with the claims and actions of the defendant States of Texas, Louisiana and Florida, and the claims and actions of the defendants Humphrey, McKay, Anderson and Priest, Public Law 31, 83d Cong., 1st Sess., c. 65, purports to give to these three states, alone of all the states in the Union, the right to extend their boundaries three marine leagues from their shores.

6. Public Law 31, 83d Cong., 1st Sess., c. 65, attempts an unconstitutional abdication or delegation by Congress of its power to control, in a sovereign and national capacity, the natural resources described in this Complaint for the purpose of providing for the common defense of the United States under Article I, Section 8 of the Constitution.

7. Public Law 31, 83d Cong., 1st Sess., c. 65, and action taken or proposed to be taken under it, attempt an infringement of the privileges and immunities of the citizens of Alabama in violation of Article IV, Section 2 of the Constitution of the United States and the Fourteenth Amendment to the Constitution of the

United States, and attempts to deny the citizens of Alabama the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE your complainant prays that:

1. Public Law 31, 83d Cong., 1st Sess., c. 65, be declared to be unconstitutional, void and of no effect.
2. Public Law 31, 83d Cong., 1st Sess., c. 65, be declared to give to the defendant states no rights to, or power, authority, or dominion over, any lands, natural resources or marine animal or plant life which was, prior to the enactment of such law, vested by the Constitution in the United States to be exercised for the benefit of all the states and citizens of the United States, and that to the extent that such law is construed to give any such right, power, authority or dominion to the defendant states it be declared to be unconstitutional, void and of no effect.
3. Public Law 31, 83d Cong., 1st Sess., c. 65, be declared to give the defendant States Texas, Louisiana and Florida no right to, or power, authority or dominion over the maritime belt lying seaward between three and nine nautical miles from the ordinary low water mark along that portion of their coasts which is in direct contact with the open sea and from the seaward limit of inland waters along their coasts, and that to the extent that such law is construed to give any such right, power, authority or dominion to these defendant states it be declared to be unconstitutional, void and of no effect.
4. The defendants Humphrey, McKay, Anderson and Priest and each of them be permanently enjoined

from making any payments of funds referred to in paragraphs XXXI and XXXII now under their control, and the defendants the State of California, the State of Louisiana, the State of Texas and the State of Florida be enjoined and ordered to make restitution of any payments which may already have been made.

5. The defendants the State of California, the State of Louisiana, the State of Texas and the State of Florida be permanently enjoined and restrained from attempting to assert ownership of, full dominion and power over and the exclusive jurisdiction and control over the land, minerals and other natural resources of the subsoil and seabed described in paragraphs IX, X, XIII and XVI of this Complaint in the manner described in paragraphs XXI, XXIII, XXVI and XXIX of this Complaint.

6. The defendants Humphrey, McKay, Anderson and Priest be permanently enjoined and restrained from acquiescing in the assertions of the defendants the States of California, Texas, Louisiana and Florida described in paragraphs XXI, XXIII, XXVI and XXIX of this Complaint in the manner described in paragraph XXXIII of this Complaint.

7. The defendants the States of Texas, Louisiana and Florida be permanently enjoined and restrained from asserting ownership, full dominion and power over, and the exclusive jurisdiction and control over the marine, animal and plant life described in paragraphs XII, XV and XVIII of this Complaint, and that the assertions, enactments, regulations, licensing measures of these defendant states described in paragraphs XXIV, XXVII and XXX of this Complaint be decreed to be unconstitutional, void and of no effect.

8. The defendants the States of Texas, Louisiana and Florida be permanently enjoined and restrained from attempting to assert jurisdiction on the high seas as described in paragraphs XXII, XXV and XXVIII of this Complaint and that the action taken by these defendant states in such assertions of jurisdiction be decreed to be unconstitutional, void and of no effect.
9. The State of Alabama recover its costs herein expended and be granted such other relief as this Court may deem just and equitable.

Respectfully submitted,

SI GARRETT

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COVINGTON & BURLING
Of Counsel

September 26, 1953.

CERTIFICATE OF SERVICE

I, M. Roland Nachman, Jr., certify that I have served a copy of the foregoing motion for leave to file complaint, and the attached complaint, and the brief in support thereof, on the following named individuals by mailing a copy of same to them, postage prepaid, to the following addresses:

The Honorable Allen Shivers
Governor
State Capitol
Austin, Texas

The Honorable John Ben
Shepperd
Attorney General
State Capitol
Austin, Texas

The Honorable Robert F.
Kennon
Governor
State Capitol
Baton Rouge, Louisiana

The Honorable Fred S. LeBlanc
Attorney General
State Capitol
Baton Rouge, Louisiana

The Honorable Dan McCarty
Governor
State Capitol
Tallahassee, Florida

The Honorable Richard W.
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Attorney General
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The Honorable Earl Warren
Governor
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Sacramento, California

The Honorable Edmund G.
Brown
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The Honorable George M.
Humphrey
Secretary of the Treasury
Department of the Treasury
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The Honorable Douglas McKay
Secretary of the Interior
Department of the Interior
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The Honorable Robert B.
Anderson
Secretary of the Navy
Department of the Navy
Washington, D. C.

The Honorable Ivy Baker Priest
Treasurer of the United States
Department of the Treasury
Washington, D. C.

The Honorable Herbert
Brownell, Jr.
Attorney General
Department of Justice
Washington, D. C.

Done on this the 26th day of September, 1953.

M. ROLAND NACHMAN, JR.
Assistant Attorney General of Alabama
Of Counsel for Complainant